

## REMARKS

In the Official Action dated November 18, 2003, the Examiner rejected claims 1-21 (claim 12 was previously cancelled) under 35 U.S.C. §102(a) as being "clearly anticipated by either one of Dahl or FR 2,584,842." Applicant has amended independent claims 1, 9, and 10 and added new independent claim 22. Applicant has also added new dependent claims 23-28.

For the reasons set forth below, neither Dahl nor the French reference include all of the limitations of each of the independent claims 1, 9, 10, and 22. Therefore, applicant requests that the amendments be entered and the pending claims 1-11, and 13-28 are passed to issuance.

### ***Response to Rejections under 35 U.S.C. §102(b) based on Dahl or FR 2,584,842***

#### **A. The Independent Claims 1, 9, 10, and 22**

As an initial matter, independent claims 1, 9, 10, and 22 all include "disabling cockpit control." The Office Action does not address Applicant's prior arguments that the Dahl reference does not disclose "disabling cockpit control." In fact, cockpit control is not disabled in Dahl. A wireless backup system is disclosed to allow the pilot to control the aircraft from the cockpit using the wireless backup system. Accordingly, cockpit control is not disabled in Dahl.

Independent Claim 1 has been amended to specify that the "first trigger is based on the aircraft's deviation from a planned flight path." Independent Claim 9 has been amended to specify that "the first triggering event is based on a sudden maneuver of the aircraft." Independent Claim 10 has been amended to specify that "the special reversionary mode comprises entering into a

predefined flight path.” New independent claim 22 specifies that “the first trigger is based on a cabin air pressure sensor or a vibration sensor.”

Dahl discloses only two methods of activating its “secondary wireless flight control system.” See, col. 8, lines 27-49. Manual activation of a conventional switch or automatic activation “by conventional hydraulic pressure sensor 60 located within the conventional primary system.” *Id.* Thus, Dahl does not disclose a “first trigger” based on an aircraft’s deviation from a planned flight path as called for in claim 1. Dahl also does not disclose a “first trigger” based on “a sudden maneuver of the aircraft” as called for in claim 9. Nor does Dahl disclose a “first trigger” based on a cabin air pressure sensor or a vibration sensor as called for in claim 22. Again, Dahl discloses only manual activation or activation based on a hydraulic pressure sensor. In addition, Dahl does not disclose a special reversionary mode that comprises “entering into a predefined flight path” as called for in claim 10. Dahl does not disclose entering into any particular flight path, predefined or otherwise. Rather, Dahl provides for a pilot to control the plane using the secondary wireless flight control system. See, col. 8, lines 49-53. While Dahl also discloses placing control of the aircraft with a ground-based airport control center or another plane (col. 10, lines 63 through col. 11, line 5), it does not disclose having the aircraft enter into a predefined flight path as required by claim 10.

The French reference, FR 2,584,842 also fails to disclose each element required in independent claims 1, 9, 10, and 22. The French reference discloses only one method of disabling cockpit controls. The “trigger” for disabling the cockpit controls is activated by sensing the “accelerated heart rate resulting from the fear or emotion of persons threatened by terrorists.” Page 4 of translation; see also page 2 of translation (“are activated under the effect of fear or emotion of

the occupants"). Thus, the French reference does not disclose a "first trigger" based on an aircraft's deviation from a planned flight path as called for in claim 1. The French reference also does not disclose a "first trigger" based on "a sudden maneuver of the aircraft" as called for in claim 9. Nor does the French reference disclose a "first trigger" based on a cabin air pressure sensor or a vibration sensor as called for in claim 22. Again, the French reference discloses only sensing an accelerated heart rate of the occupants of the aircraft. Furthermore, the French reference does not disclose a special reversionary mode that comprises "entering into a predefined flight path" as called for in claim 10. The French reference does not disclose entering into any particular flight path, predefined or otherwise. While the French reference also discloses placing control of the aircraft with a ground-based airport control tower or another plane (page 2 of translation), it does not disclose having the aircraft enter into a predefined flight path as required by claim 10.

For the foregoing reasons, both Dahl and the French reference fail to disclose all of the required claim limitations in all of the independent claims 1, 9, 10, and 22. Therefore, claims 1-11, and 13-28, including independent claims 1, 9, 10, and 22, and their dependent claims, are allowable over both Dahl and the French reference.

#### **B. The Dependent Claims**

In addition, Dahl and the French reference also fail to include the limitations required of the dependent claims. For example, claim 2 requires that the first trigger is "generated outside the aircraft." This claim element is entirely absent in Dahl which shows only manual activation within the aircraft or sensing loss of hydraulic pressure, neither of which can possibly be considered as "generated outside the aircraft." This limitation is also absent in the French reference where the

first trigger is activated by the occupants within the aircraft. Similar claim limitations are found in dependent claim 13.

In addition, claim 6 requires that the first trigger is an "encrypted signal." The manual activation or sensing loss of hydraulic pressure sending in Dahl are not an "encrypted signal" as required by claim 6. Nor is the accelerated heart rate in the French reference an encrypted signal. Similar claim limitations are found in claim 17.

Claim 8 specifies "a second trigger subsequent to receiving the first trigger; re-enabling cockpit control of the aircraft in response to receiving the second trigger." Neither Dahl nor the French reference include this feature.

Claims 23, 25, and 27 call for the reversionary mode to enter a predefined flight path. This limitation is absent in both the Dahl and French reference for the reasons noted above with respect to claim 10.

Claims 11, 24, 26, and 28 require that the special reversionary mode causes the aircraft to execute a safe, pre-programmed flight path. Neither Dahl nor the French reference disclose a reversionary mode that include a "pre-programmed flight path." Such a pre-programmed flight path is entirely absent in both of the cited references.

## CONCLUSION

In light of the foregoing, neither Dahl nor the French reference anticipate any of the pending claims 1-11, or 13-28. Applicant therefore submits that the application is now in condition for allowance, and notice to that effect is earnestly solicited. Should the Examiner feel that a telephone

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conference would be useful, he is invited to telephone the undersigned at any time at (312) 913-2131.

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